

REMARKS

Claims 12-21 and 23-30 are pending. Claims 12 and 17 are in independent form.

In the action mailed March 19, 2007, claims 12-21 and 23-28 were rejected under 35 U.S.C. § 112, first paragraph. The rejection contends that the specification does not provide an adequate written description of first and second continuous sloped phase edges that span first and second lateral distances between adjacent regions.

Applicant respectfully disagrees. To begin with, original claim 14 recited a first plurality of boundaries having a continuous sloped edge with a first lateral distance and another plurality of boundaries have a continuous sloped edge with a second lateral distance. Applicants thus clearly had mental possession of continuous sloped edges with first and second lateral distances. See, e.g., *M.P.E.P.* § 2163.03 (citing *In re Wertheim*, 541 F.2d 257, 262 (C.C.P.A. 1976)) (describing the "strong presumption" that an adequate written description of the claimed invention is present in the specification as filed and that rejection of an original claim for lack of written description should be rare).

Further support for such continuous sloped phase edges can be found elsewhere in the specification. For example, para.

[0018] describes that

"[i]n an embodiment, the degree of defocus may be adjusted for individual shot exposures allowing the dose gradient to vary over a large range. For example, the degree of defocus may be adjusted for different figures in the mask. In addition, the defocus may be asymmetric, enabling the dose gradient to be, e.g., steep for vertical edges while gradual for horizontal edges." *Specification*, para. [0018] (emphasis added)

As another example, para. [0017] describes that

"[t]he "slope" of this dose gradient can be adjusted by the degree of defocus applied to the electron beam. The "slope" of the dose gradient may be selected based on the value required to manufacture the slope in the etched glass. The dose gradient creates a slope 406 in the resist 402 under suitable resist development conditions, as shown in Figures 4B and 4C. When the resist 402 is etched, the slope 406 is imposed on the final glass profile 408..." *Specification*, para. [0018] (emphasis added)

It is well-established that the written description requirement requires that the specification "reasonably conveys to the artisan that the inventor had possession at that time of the later claimed subject matter." See, e.g., *M.P.E.P.* § 2163.02 (citing *Ralston Purina Co. v. Far-Mar-Co., Inc.*, 772 F.2d 1570, 1575 (Fed. Cir. 1985)). In this case, the inventors clearly had possession of first and second continuous sloped phase edges that span first and second lateral distances between

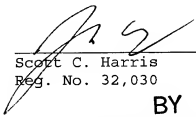
adjacent regions. Accordingly, Applicant requests that the rejections of claims 12, 17, and the claims dependent therefrom, be withdrawn.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Applicant asks that all claims be allowed. No fees are believed due at this time. Please apply any other charges or credits, to Deposit Account No. 06-1050.

Respectfully submitted,

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